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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/816,789	03/31/2004	Thamer A. Abanami	MS1-1935US	9919
22801 7590 04/20/2007 LEE & HAYES PLLC 421 W RIVERSIDE AVENUE SUITE 500 SPOKANE, WA 99201			EXAMINER AHN, SANGWOO	
			ART UNIT 2166	PAPER NUMBER
SHORTENED STATUTORY PERIOD OF RESPONSE		NOTIFICATION DATE	DELIVERY MODE	
3 MONTHS		04/20/2007	ELECTRONIC	

**Please find below and/or attached an Office communication concerning this application or proceeding.**

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Notice of this Office communication was sent electronically on the above-indicated "Notification Date" and has a shortened statutory period for reply of 3 MONTHS from 04/20/2007.

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lhptoms@leehayes.com

**Office Action Summary**

Application No.

10/816,789

Applicant(s)

ABANAMI ET AL.

Examiner

Sangwoo Ahn

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2166

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 31 January 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-36 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-36 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                       | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## **DETAILED ACTION**

### ***Response to Amendment***

Applicant's communication filed on 1/31/2007 has been entered.

Claims 1 – 36 are pending in this Office Action.

Claims 1, 19 and 31 have been amended.

### ***Response to Arguments***

Applicant's arguments with respect to claims 1, 19 and 31 have been considered but are moot in view of the new ground(s) of rejection.

Applicant's arguments with respect to claims 12 and 27 have been fully considered but they are not persuasive.

Applicant mainly stated:

- Colson does not disclose a UI with a “user-configurable priority corresponding to the one or more digital items in the listing.” Rather, Colson displays its “priority schemes” that is used to determine the priority.

Examiner respectfully traverses the Applicant's argument for the following reason. Paragraph 34 lines 16 – 18 indicates that information on available prioritization schemes is presented graphically to the user using drop-down menus or any other suitable graphical presentation. This interface gives the user an option to select appropriate prioritization scheme for a given set of data. The prioritization schemes are not only user-configurable, but are associated with the one or more data and illustrated in a display area. Colson further adds that the prioritization schemes may be specific to different types of objective data (for example, for telephone numbers, the prioritization

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scheme could be "most frequently used," and for addresses, the prioritization scheme could be "most recently used.").

***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1 – 36 are rejected under 35 U.S.C. 102(b) as being anticipated by U.S. Publication Number 2002/0078075 issued to James C. Colson et al (hereinafter "Colson").

Regarding claim 1, Colson discloses,

One or more processor-readable media having processor-executable instructions that, when executed by a processor, performs acts comprising:

sorting a collection of digital items stored on a source device into multiple groups of digital items, wherein the items in each group have like priorities and the priority of items in one group differ from the priority of items in the other groups (paragraph 34 lines 18 – 21, paragraph 49 lines 5 – 8, et seq.), the sorting being based, at least in part, upon a user-configurable priority assigned to the digital items in the collection (paragraph 35 line 3, paragraph 44 lines 1 – 7, et seq.);

designating one of the groups of sorted digital items with highest priority for synchronization with a target device coupled to the source device (paragraph 30 lines 10 – 12, paragraph 44 lines 5 – 7, et seq.);

synchronizing the designated group of digital items with the coupled target device (paragraph 44 lines 12 – 15, et seq.).

Regarding claim 2, Colson discloses, providing a user-interface which facilitates user-configurable assignment of priority for one or more digital items in the collection (paragraph 34 lines 16 – 18, et seq.).

Regarding claim 3, Colson discloses, the storage requirements of the designated group of digital items is less than or equal to a defined storage capacity of the target device (paragraph 17 lines 3 – 6, et seq.).

Regarding claim 4, Colson discloses, the storage requirements of the designated group of digital items is less than or equal to a defined storage capacity of the target device and the storage requirements of the collection of digital items is greater than the defined storage capacity of the target device (paragraph 17 lines 3 – 6, paragraph 49 lines 8 – 10, et seq.).

Regarding claim 5, Colson discloses, the user-configurable priority assigned to a digital item is indicated as one of multiple priority tiers (column 6 line 2, et seq.).

Regarding claim 6, Colson discloses, the synchronizing further comprises directing the target device to remove a digital item stored thereon but not part of the designated group of digital items for synchronization (paragraph 3 lines 13 – 15, et seq.).

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Regarding claim 7, Colson discloses,

the synchronizing further comprises transferring from the source device a digital item which is part of the designated group of digital items for synchronization but not already stored on the target device (paragraph 3 lines 13 – 15, et seq.).

Regarding claim 8, Colson discloses,

digital items are audio, image, or video files (“data” in Colson could be *any* data).

Regarding claim 9, Colson discloses,

digital items are selected from a group of digital content consisting of audio, image, video, text, hypertext, and data (“data” in Colson could be *any* data, paragraph 45 line 6, et seq.).

Claims 10 – 11 are rejected based on the same rationale discussed in claim 1 rejection and Figure 1, et seq.

Regarding claim 12, Colson discloses,

One or more processor-readable media having processor-executable instructions that, when executed by a processor, produce a user-interface (UI), the UI comprising:

a first display area illustrating a listing of one or more digital items from a collection of digital items stored on a source device (paragraph 34 lines 16 – 18, et seq.);

a second display area illustrating a user-configurable priority corresponding to the one or more digital items in the listing (paragraph 34 lines 16 – 18, et seq.);

an executable process associated with the one or more digital items in the listing that is configured to:

designate a group of sorted digital items with highest priority for synchronization with a target device coupled to the source device, wherein the storage requirements of the designated group of digital items is less than or equal to a defined storage capacity of the target device (paragraph 17 lines 3 – 6, paragraph 30 lines 10 – 12, paragraph 44 lines 5 – 7, et seq.);

synchronize the designated group of digital items with the coupled target device (paragraph 44 lines 12 – 15, et seq.).

Regarding claim 13, Colson discloses,

the storage requirements of the collection of digital items is greater than the defined storage capacity of the target device (paragraph 17 lines 3 – 6, paragraph 49 lines 8 – 10, et seq.).

Regarding claim 14, Colson discloses,

the user-configurable priority assigned to a digital item is indicated as one of multiple priority tiers (column 6 line 2, et seq.).

Regarding claim 15, Colson discloses,

the synchronizing further comprises directing the target device to remove a digital item stored thereon but not part of the designated group of digital items for synchronization (paragraph 3 lines 13 – 15, et seq.).

Regarding claim 16, Colson discloses,

the synchronizing further comprises transferring from the source device a digital item which is part of the designated group of digital items for synchronization but not already stored on the target device (paragraph 3 lines 13 – 15, et seq.).

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Regarding claim 17, Colson discloses,

digital items are audio, image, or video files ("data" in Colson could be *any* data).

Regarding claim 18, Colson discloses,

digital items are selected from a group of digital content consisting of audio, image, video, text, hypertext, and data ("data" in Colson could be *any* data, paragraph 45 line 6, et seq.).

Regarding claim 19, Colson discloses,

A method comprising:

sorting a collection of digital items stored on a source device into multiple groups of digital items, wherein the items in each group have like priorities and the priority of items in one group differ from the priority of items in the other groups (paragraph 34 lines 18 – 21, paragraph 49 lines 5 – 8, et seq.), the sorting being based, at least in part, upon a user-configurable priority assigned to the digital items in the collection (paragraph 35 line 3, paragraph 44 lines 1 – 7, et seq.);

designating one of the groups of sorted digital items with highest priority for synchronization with a target device coupled to the source device, wherein the storage requirements of the designated group of digital items is less than or equal to a defined storage capacity of the target device (paragraph 17 lines 3 – 6, paragraph 30 lines 10 – 12, paragraph 44 lines 5 – 7, et seq.);

synchronizing the designated group of digital items with the coupled target device (paragraph 44 lines 12 – 15, et seq.).

Regarding claim 20, Colson discloses,



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providing a user-interface which facilitates user-configurable assignment of priority for one or more digital items in the collection (paragraph 34 lines 16 – 18, et seq.).

Regarding claim 21, Colson discloses,

the storage requirements of the collection of digital items is greater than the defined storage capacity of the target device (paragraph 17 lines 3 – 6, paragraph 49 lines 8 – 10, et seq.).

Regarding claim 22, Colson discloses,

the user-configurable priority assigned to a digital item is indicated as one of multiple priority tiers (column 6 line 2, et seq.).

Regarding claim 23, Colson discloses,

the synchronizing further comprises directing the target device to remove a digital item stored thereon but not part of the designated group of digital items for synchronization (paragraph 3 lines 13 – 15, et seq.).

Regarding claim 24, Colson discloses,

the synchronizing further comprises transferring from the source device a digital item which is part of the designated group of digital items for synchronization but not already stored on the target device (paragraph 3 lines 13 – 15, et seq.).

Regarding claim 25, Colson discloses,

digital items are audio, image, or video files (“data” in Colson could be *any* data).

Regarding claim 26, Colson discloses,

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digital items are selected from a group of digital content consisting of audio, image, video, text, hypertext, and data ("data" in Colson could be *any* data, paragraph 45 line 6, et seq.).

Regarding claim 27, Colson discloses,

One or more processor-readable media having processor-executable instructions that, when executed by a processor, produce a user-interface (UI), the UI comprising:

a first display area illustrating a listing of one or more digital items from a collection of digital items stored on a source device (paragraph 34 lines 16 – 18, et seq.);

a second display area illustrating a user-configurable priority corresponding to the one or more digital items in the listing (paragraph 34 lines 16 – 18, et seq.).

Regarding claim 28, Colson discloses,

the user-configurable priority assigned to a digital item is indicated as one of multiple priority tiers (column 6 line 2, et seq.).

Regarding claim 29, Colson discloses,

digital items are audio, image, or video files ("data" in Colson could be *any* data).

Regarding claim 30, Colson discloses,

digital items are selected from a group of digital content consisting of audio, image, video, text, hypertext, and data ("data" in Colson could be *any* data, paragraph 45 line 6, et seq.).

Regarding claim 31, Colson discloses,

A system comprising:

a sorting means for sorting a collection of digital items stored on a source device into multiple groups of digital items, wherein the items in each group have like priorities and the priority of items in one group differ from the priority of items in the other groups (paragraph 34 lines 18 – 21, paragraph 49 lines 5 – 8, et seq.), the sorting being based, at least in part, upon a user-configurable priority assigned to the digital items in the collection (paragraph 35 line 3, paragraph 44 lines 1 – 7, et seq.);

a designating means for designating one of the groups of sorted digital items with highest priority for synchronization with a target device coupled to the source device, wherein the storage requirements of the designated group of digital items is less than or equal to a defined storage capacity of the target device (paragraph 17 lines 3 – 6, paragraph 30 lines 10 – 12, paragraph 44 lines 5 – 7, et seq.);

a synchronizing means for directing the target device to remove a digital item stored thereon but not part of the designated group of digital items for synchronization and for transferring from the source device a digital item which is part of the designated group of digital items for synchronization but not already stored on the target device (paragraph 3 lines 13 – 15, paragraph 44 lines 12 – 15, et seq.).

Regarding claim 32, Colson discloses,

providing a user-interface which facilitates user-configurable assignment of priority for one or more digital items in the collection (paragraph 34 lines 16 – 18, et seq.).

Regarding claim 33, Colson discloses,

the storage requirements of the collection of digital items is greater than the defined storage capacity of the target device (paragraph 17 lines 3 – 6, paragraph 49 lines 8 – 10, et seq.).

Regarding claim 34, Colson discloses,  
the user-configurable priority assigned to a digital item is indicated as one of multiple priority tiers (column 6 line 2, et seq.).

Regarding claim 35, Colson discloses,  
digital items are audio, image, or video files ("data" in Colson could be *any* data).  
Regarding claim 36, Colson discloses,  
digital items are selected from a group of digital content consisting of audio, image, video, text, hypertext, and data ("data" in Colson could be *any* data, paragraph 45 line 6, et seq.).

### ***Conclusion***

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any

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extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Sangwoo Ahn whose telephone number is (571) 272-5626. The examiner can normally be reached on M-F 10-6.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Hosain Alam can be reached on (571) 272-3978. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Patent Examiner Sangwoo Ahn  
AU 2166

4/5/07 SW



MOHAMMAD ALI  
PRIMARY EXAMINER